

1 STUART D. TOCHNER, CA Bar No. 123758  
stuart.tochner@ogletree.com  
2 VANESSA C. KRUMBEIN, CA Bar No. 272202  
vanessa.krumbein@ogletree.com  
3 OGLETREE, DEAKINS, NASH,  
SMOAK & STEWART, P.C.  
4 400 South Hope Street, Suite 1200  
Los Angeles, CA 90071  
5 Telephone: 213.239.9800  
Facsimile: 213.239.9045

6 Attorneys for Defendants  
7 CALIFORNIA INSTITUTE OF TECHNOLOGY and  
DR. FELICIA HUNT  
8

9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 JOHN DOE, an individual,  
12 Plaintiff,

13 v.

14 CALIFORNIA INSTITUTE OF  
15 TECHNOLOGY, a nonprofit  
16 corporation, and DOES 1-20, inclusive,  
17 Defendants.

Case No. CV18-09178-SVW (JEMx)

**DEFENDANT HUNT'S NOTICE OF  
JOINDER AND JOINDER TO  
CALIFORNIA INSTITUTE OF  
TECHNOLOGY'S MOTION TO  
DISMISS PLAINTIFF'S FIRST  
AMENDED COMPLAINT PURSUANT  
TO FED. R. CIV. PROC. 12(B)(1) AND  
12(B)(6)**

Date: TBD—Under Submission  
Time: TBD—Under Submission  
Place: Courtroom 10A

Complaint Filed: October 25, 2018  
Trial Date: None  
District Judge: Hon. Stephen V. Wilson  
Courtroom 10A, First St.  
Magistrate Judge: Hon. John E. McDermott  
Courtroom 640, Roybal

Case No. CV18-09178-SVW (JEMx)

DEFENDANT HUNT'S NOTICE OF JOINDER AND JOINDER TO CALIFORNIA INSTITUTE OF  
TECHNOLOGY'S MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT

1 **TO THE COURT AND ALL PARTIES AND THEIR COUNSEL OF**  
 2 **RECORD:**

3 PLEASE TAKE NOTICE THAT defendant Dr. Felicia Hunt (“Hunt”) will and  
 4 hereby does join in California Institute of Technology’s motion to dismiss Plaintiff’s  
 5 First Amended Complaint (“FAC”) with prejudice pursuant to Federal Rules of Civil  
 6 Procedure 12(b)(1) and 12(b)(6), filed in the United States District Court for the  
 7 Central District of California on January 22, 2019 (the “Motion”) (Docket No. 24), as  
 8 well as its reply brief filed in the United States District Court for the Central District  
 9 of California on February 11, 2019 (“Reply”) (Docket No. 30).<sup>1</sup>

10 Hunt joins the Motion for all the reasons set forth in the Motion, its  
 11 accompanying memorandum of points and authorities, all supporting documents, and  
 12 the Reply, pursuant to Federal Rules of Civil Procedure, rules 12(b)(1) and 12(b)(6)  
 13 for failure to state a claim upon which relief can be granted and on the grounds that  
 14 this Court lacks jurisdiction over this case, and follows the conference of counsel  
 15 pursuant to Local Rule 7-3, which began on December 7, 2018. (*See* Declaration of  
 16 Vanessa Krumbein filed concurrently with the Motion on January 22, 2019.)

17 Specifically, as described in Caltech’s motion to dismiss, taken under  
 18 submission by the Court, the FAC fails in its entirety because Plaintiff failed to seek  
 19 judicial exhaustion by first challenging the disciplinary action through a writ of  
 20 mandamus in state court before initiating a federal court action—Plaintiff’s exclusive  
 21 remedy under the facts alleged in his FAC. *See* Cal. Code Civ. Proc. § 1094.5; *see also*  
 22 *Doe v. Regents of the Univ. of California*, 891 F.3d 1147, 1155 (2018) Moreover,  
 23 Plaintiff’s claim against Caltech’s Title IX coordinator, Dr. Felicia Hunt (“Hunt”),  
 24 sued in her official capacity for a violation of 42 U.S.C. § 1983, fails as discussed in  
 25 the Motion and Reply because state action has not been (and cannot be) sufficiently  
 26

27 <sup>1</sup> This Joinder serves as Hunt’s responsive pleading to Plaintiff’s First Amended  
 28 Complaint.

1 pled—a jurisdictional requisite for bringing such a claim.

2 Based on her joinder to the Motion and Reply and the arguments contained  
3 therein, Hunt also respectfully moves this court to dismiss the claim against her.  
4

5 DATED: April 3, 2019

OGLETREE, DEAKINS, NASH, SMOAK &  
STEWART, P.C.

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7  
8 By: /s/ Vanessa C. Krumbein

9 Stuart D. Tochner

Vanessa C. Krumbein

10 Attorneys for Defendants  
11 CALIFORNIA INSTITUTE OF  
12 TECHNOLOGY and  
13 DR. FELICIA HUNT  
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